IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Babu Lal. Versus State of Rajasthan & ors.

S.B. Criminal Misc. Petition No. 683/2005
against the Order dated 9-12-2004 passed
by the Judicial Magistrate No.6, Jodhpur, in
Criminal Case No. 130/2002.

...

Date of Order: July 14, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. M.S. Panwar, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

Heard learned counsel for the petitioner. Perused the order impugned.

The petitioner has assailed the order dated 9-12-2004 passed by the Judicial Magistrate No.6, Jodhpur (for short, "the trial Court" hereinafter) in Criminal Case No. 130/2002, whereby the trial Court dismissed the application filed by the petitioner under Section 91 Cr.P.C. on the ground that the accused cannot be compelled to produce a document which can be read against him.

While passing the impugned order, the trial Court

relied on the mandatory provision of Section 20 (3) of the Constitution of India and a decision of the Hon'ble Supreme Court in State of Gujarat Vs. Shyamlal Mohanlal Choksi, AIR 1965 SC1251 and some decisions of this Court. Therefore, it cannot be said that the impugned order has resulted in manifest injustice or abuse of process of any Court; on the contrary, it is based on sound legal propositions and the mandatory provisions of the Constitution of India. Therefore, no case for interference is made out.

The criminal miscellaneous petition is dismissed. The stay petition also stands dismissed.

(H.R. PANWAR), J.

mcs